

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, January 28, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

PETITIONS AND MEMORIALS.

By Senator Flanagan: A memorial for the relief of A. H. Cook.

Read first time and referred to Committee on Claims and Accounts.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Agricultural Affairs:

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 43, entitled "An act to incorporate the Gonzales Agricultural and Industrial Association, have had the same under consideration, and I am instructed by the committee to report it back and recommend that it do pass.

HENRY RAWSON,
Chairman.

Read and laid over under the rules.

Reports of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 25, entitled "An act supplementary to and amendatory of an act to incorporate the Dallas Wire Suspension Bridge Company, approved July 27, 1870," after duly and

carefully considering the same, beg leave to report it back to your honorable body, and recommend its passage.

J. G. BELL,
Chairman.

Read first time and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 37, entitled "An act to incorporate the Cuero Bridge Company," having had the same under consideration, beg leave to report back the same and recommend its passage.

J. G. BELL,
Chairman.

Read first time and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 38, entitled "An act to incorporate the Kemper City Bridge Company," having had the same under consideration, beg leave to report back the same and recommend its passage.

J. G. BELL,
Chairman.

Read first time and laid over under the rules.

Reports of Committee on Judiciary:

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 1, to be entitled "An act to amend the twenty-second section of 'An act prescribing the times of holding the district courts in the several judicial districts in the State, after a careful examination of the same, ask leave to report it back, and recommend its passage.

FOUNTAIN,
Chairman.

Read first time, and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 13, entitled "An act to authorize the clerks of the district courts, and the justices of the peace of the several counties to issue execution after the adjournment of each term of their respective courts, against the plaintiff or defendant, for all costs created by them in any suit or suits therein," have instructed me to report back the enclosed bill as a substitute therefor, and recommend its passage.

Respectfully,

FOUNTAIN,
Chairman.

Substitute (Senate bill No. 13) "An act providing for, and regulating the collection of costs of clerks of the district courts, and the justices of the peace."

Report and substitute read first time and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 6, entitled "An act to incorporate Paris Commercial College," ask leave to report the same back, and recommend that it be referred to the Committee on Education.

FOUNTAIN,
Chairman.

Read, and on motion of Senator Pickett, the rules were suspended and Senate bill No. 6 was referred to Committee on Education.

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred the "Memorial of John S. Stamp," ask leave to report the same back with a recommendation that it be referred to the Committee on Claims and Accounts.

FOUNTAIN,
Chairman.

Report read, and on motion of Senator Fountain the rules were suspended, and the memorial was referred to Committee on Claims and Accounts.

SENATE JOURNAL.

Reports of Committee on State Affairs :

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 4, entitled "An act to incorporate the Island City Gas Company," have duly considered the same and recommend its passage with the following amendment: in section 5, line 3, strike out the word "ten" and insert the word "five."

S. W. FORD,
Chairman.

Read first time and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, January 27, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 29, entitled "An act to incorporate the Texas Cotton Spinning and Manufacturing Company," have given the same due consideration and recommend that section six be stricken out and that the bill do pass as amended.

S. W. FORD,
Chairman.

Read first time and laid over under the rules.

Report of Committee on Private Land Claims :

COMMITTEE ROOM,
AUSTIN, January 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was referred the petition of Moses L. Patton to the Legislature for relief, as therein set forth, have had the same under careful consideration, and I am instructed to report it back, with the accompanying bill, and recommend the passage of the same.

G. T. RUBY,
Chairman.

"An act (Senate bill No. 56) for the relief of Moses L. Patton."

Report and bill read first time and laid over under the rules.

Senator Pickett offered the following resolution which was adopted :

Resolved, That that portion of the Governor's message that refers to the donation made by acts of Congress, of scrip representing 180,000 acres of land, to provide colleges for the benefit of agriculture and the mechanic arts, be specially referred to the Committee on Finance, with instructions to report, as early as practicable, by bill or otherwise.

JOINT RESOLUTIONS.

By Senator Pickett: Senate joint resolution No. 5, proposing amendment to section second, section third and section fourth of article five of the Constitution of the State of Texas.

Read first time and referred to Committee on Judiciary.

Senator Pickett rose to a question of privilege, and moved that the message of his Excellency, the Governor, and the accompanying communication of the Comptroller, relative to "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," be referred to a select committee of three, which motion was adopted.

President appointed on said committee Senators Pickett, Ruby and Saylor.

BILLS AND RESOLUTIONS.

By Senator Bell: "An act (Senate bill No. 57) to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas where one or more of the judges may be disqualified by having presided at the trial of such cases in the district court, or from any other cause."

Read first time and referred to Committee on Judiciary.

Also, "An act (Senate bill No. 58) to incorporate the Alta Viesta Female Seminary, in Austin county, Texas."

Read first time and referred to Committee on Internal Improvements.

Senator Ruby offered the following resolution:

Resolved, That the various portions of the Governor's message treating of the several subjects embraced in caption by the several committees of this body be and are hereby referred to said committees.

Adopted.

By Senator Pyle: "An act (Senate bill No. 59) to amend an act and prescribing the times of holding the courts in the several judicial districts in the State, approved August 10, 1870."

Read first time and referred to Committee on Judiciary.

By Senator Shannon: "An act (Senate bill No. 60) to incorporate the Cleburne Cross Timber Railway Company."

Read first time and referred to Committee on Internal Improvements.

GENERAL FILE.

Senate bill No. 2, a bill to be entitled "An act granting assistance to the Agricultural, Mechanical and Blood Stock Association of Texas."

Senator Pridgen moved that the bill be recommitted to Committee on Agricultural Affairs, which motion was adopted.

Senate joint resolution No. 4, appropriating (\$700) seven hundred dollars for the purpose of erecting a building suitable for committee rooms, read second time, and, on motion of Senator Mills, the joint resolution was indefinitely postponed.

Senate bill No. 20, "An act to incorporate the Bank of Texas," read second time and passed to engrossment.

Senate bill No. 40, "An act incorporating the Texas Coal and Mining Company," read second time and passed to engrossment.

Rules suspended, and, on motion of Senator Baker, Senate bill No. 40 was read third time and passed by the following vote:

Yeas—Baker, Bowers, Clark, Cole, Dillard, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hildebrandt, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick, Mr. President—25.

House concurrent resolution No. 1 read first time, and on motion of Senator Mills, was referred to Committee on Judiciary.

Senator Ruby presented the following report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, January 28, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bill, No. 46, entitled "An act to provide for the defense of a certain suit therein named," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

By leave, Senator Hall presented the following report of the Committee on Counties and County Boundaries:

COMMITTEE ROOM,
AUSTIN, January 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 11, entitled "A bill for locating the county seat of Hood county," have considered the same, and do most respectfully recommend its passage.

P. W. HALL,
Chairman of Committee.

Report read, and laid over under the rules.

BILLS.

By Senator Hall: "An act (Senate bill No. 61) to amend the thirty-fourth and thirty-sixth sections of an act entitled 'An act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

Also, "An act (Senate bill No. 62) to amend an act to district the State into judicial districts, approved July 2, 1870."

Bills read first time and referred to Committee on Judiciary.

By Senator Dohoney: "An act (Senate bill No. 63) to authorize district clerks, their deputies and notaries public to take the testimony of subscribing witnesses to deeds and other instruments of writing."

Read first time, and referred to Committee on Judiciary.

By Senator Parsons: Senate bill No. 64, "An act authorizing the District Attorney of the Thirtieth Judicial District to draw his salary from the date of filing his oath of office with the Secretary of State."

Read first time, and referred to Committee on Claims and Accounts.

Also, an act (Senate bill No. 65) to prevent the sale of vinous, spirituous and malt liquors within two miles of Eureka Mills, in Harris county, Texas.

Read first time, and referred to Committee on State Affairs.

General file resumed.

House joint resolution No. 5, "Authorizing the Engrossing and Enrolling Clerks of this Legislature to occupy the Library for the performance of their clerical duties."

Read first time.

House joint resolution No. 9, "requiring the Comptroller of

public accounts to draw his warrant or warrants on the Treasurer, to pay the salary of the Assistant Attorney General,"

Read first time.

Senator Parsons moved to suspend the rules to place House joint resolution No. 9 on its second reading, which motion was lost.

Senator Flanagan moved a suspension of the rules to take up House joint resolution No. 9.

Rules suspended, and on motion of Senator Flanagan, it was referred to Committee on Judiciary.

Message from the House by Chief Clerk, transmitting House bill No. 87, "An act to discontinue the Criminal Court of the city of San Antonio, and to transfer the causes pending therein," signed, and returned to the House.

General file resumed.

Senate bill No. 46, to be entitled "An act to provide for the defense of a certain suit therein named,"

Read third time.

Senator Baker offered the following as a substitute:

Senate joint resolution No. 6, "Authorizing the Attorney General to submit the case of John A. C. Gray, Receiver of the Memphis and El Paso Railroad Company."

Substitute read first time.

Message from the House by Chief Clerk, transmitting House bill No. 10, "An act to provide for transcribing the surveyors' records."

Also, House bill No. 156, "An act supplementary to an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, asking the concurrence of the Senate in the same.

Question recurring on Senate bill No. 46 and substitute by Senator Baker, Senator Bowers moved that the whole matter be postponed to Monday, and be made the special order for 12 M., which motion was adopted.

On motion of Senator Fountain, the Secretary was instructed to spread upon the journal the action of the Senate in executive session, January 26, 1871, as follows:

"The Senate advise and consent to the following appointments:

F. P. Wood, for Judge of the Thirty-fifth Judicial District.

Samuel H. Canfield, as Pilot Commissioner of Matagorda Bay.

And refuse to advise and consent to the following appointments:

T. C. Garland, for Judge of the Fourteenth Judicial District.

L. W. Stephenson, as Financial Agent, State Penitentiary."

On motion of Senator Bowers, the Senate adjourned to 11, A. M., Monday.